

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
DESTINY BRUNO et al.,

Plaintiffs,

-against-

CITY OF NEW YORK, et al.,

Defendants.

-----X
Gold, S., United States Magistrate Judge:

MEMORANDUM
AND ORDER
10-cv-210 (RMM)

Currently pending before the Court is a motion by defendants seeking dismissal of all claims asserted by plaintiff M.M. Docket Entry 272. The parties have consented to have me decide the motion. Docket Entry 277. The motion is granted for the reasons set forth below.¹

For reasons not directly relevant here, I issued an Order on July 10, 2013 that directed plaintiff M.M. to appear in person at a conference to be held on July 18, 2013. The Order alerted M.M. that failure to appear could result in dismissal of her claims.

Plaintiff M.M. did not appear for the conference as directed on July 18, 2013. Rather than recommend dismissal at that time, however, I directed plaintiffs' counsel to submit a letter by August 2, 2013 indicating whether and how M.M. intended to proceed with her claims and proposing a date for M.M. to appear in Court. Docket Entry 293. Counsel for plaintiffs submitted a letter on August 2, 2013, relating that they had been having difficulty contacting M.M. Docket Entry 302.

¹ Defendants' original motion also sought dismissal of plaintiff A.M.'s claims. Those claims were dismissed without opposition by Order entered on July 232, 2013.

On August 5, 2013, I issued another Order, this one directing that M.M. appear before the Court for a conference on September 16, 2013. Again, plaintiff M.M. failed to appear. I therefore directed counsel for plaintiffs to show cause by September 23, 2013 why any claims asserted by M.M. should not be dismissed based upon her failure to abide by the Court's scheduling orders. Tr. of Sept. 16, 2013, Docket Entry 316, at 6-7.

Plaintiffs have not responded to the Court's Order that they explain why M.M. should be permitted to proceed as a representative plaintiff despite her failures to appear. According to a letter submitted by defendants' counsel, counsel for plaintiffs does not intend to submit any response to the Court's directive or other opposition to dismissal of M.M.'s claims. Docket Entry 317.

For all these reasons, defendants' motion is granted. The claims asserted by M.M. individually and as a class representative are dismissed.

SO ORDERED.

/s/
STEVEN M. GOLD
UNITED STATES MAGISTRATE JUDGE

Brooklyn, New York
September 30, 2013

U:\failtopro -MM 10cv210.docx